

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Before the Board of Patent Appeals and Interferences**

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Ex Parte:	Charles R. Barker, Jr. et al
Application Number:	09/929,032
Filing Date:	August 15, 2001
Title:	SYSTEM AND METHOD FOR PROVIDING AN ADDRESSING AND PROXY SCHEME FOR FACILITATING MOBILITY OF WIRELESS NODES BETWEEN WIRED ACCESS POINTS ON A CORE NETWORK OF A COMMUNICATIONS NETWORK
Confirmation No.	1879
Art Unit:	2616
Examiner:	Pham, Brenda H.

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**SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Submitted in response to Notification of Non-Compliant Appeal Brief Dated April 25, 2007.

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**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Although specification citations are inserted below in accordance with 37 C.F.R. § 41.37, these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with rule 41.37, does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The invention, as defined in independent Claim 1 is a communications network (100) for use with mobile wireless user terminals (118), said network (100) comprising: a packet-switched core network; a plurality of access points (104, 106 and 108) within a same broadcast network and coupled to said core network (100), each said access point (104, 106 and 108) providing any said user terminal (118) with communications access to said core network (100) when said any user terminal (118) becomes affiliated with said access point (104, 106 and 108), and including an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108), and each said access point (104, 106 and 108) including means for updating its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and further including means for issuing an address resolution protocol request which causes other said access points (104, 106 and 108) to update their respective address resolution protocol cache to indicate that a said user terminal (118) has changed its affiliation to said access point (104, 106 and 108); and at least one of a media server (120), DNS server (122) and an IP gateway router (124), each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) and is updateable based on said address

resolution protocol request. (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

The invention, as defined in independent Claim 11 is an access point (104, 106 and 108), coupled to a communications network (100) for providing mobile wireless user terminals (118) with communications access said network (100), said access point (104, 106 and 108) comprising: a wireless transceiver for transmitting and receiving data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108); and an affiliation indicator for updating the address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and for issuing an address resolution protocol request which causes other access points (104, 106 and 108) within a same broadcast network and coupled to said communications network (100) to update their respective address resolution protocol cache to indicate that said user terminal (118) has changed its affiliation from said another access point (104, 106 and 108) to said access point (104, 106 and 108). (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

The invention, as defined in independent Claim 17 is a method of handling mobility of wireless user terminals (118) for use with a communications network (100) including a packet-switched core network and a plurality of access points (104, 106 and 108) coupled to said core network (100), said method comprising: providing a said user terminal (118) with communications access to said core network (100) via said access point (104, 106 and 108) when said user terminal (118) becomes affiliated with said access point (104, 106 and 108); storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) in a respective address resolution protocol cache of each said access point (104, 106 and 108); controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to the other said access

points (104, 106 and 108) that said user terminal (118) has changed its affiliation from said another said access point (104, 106 and 108) to said access point (104, 106 and 108); updating respective said address resolution protocol caches of the other said access points (104, 106 and 108) within a same broadcast network based on said address resolution protocol request to indicate said change in affiliation of said user terminal (118); and updating respective address resolution protocol caches of at least one of a media server (120), DNS server (122) and an IP gateway router (124) of said network (100) based on said address resolution protocol request. (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

The invention, as defined in independent Claim 26 is a method for providing mobile wireless user terminals (118) with communications access to a packet-switched network, said method comprising: controlling an access point (104, 106 and 108) on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; controlling said access point (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and access points (104, 106 and 108) on said packet-switched network in an address resolution cache of said access point (104, 106 and 108); controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to other said access points (104, 106 and 108) within a same broadcast network and coupled to said packet-switched network indicating that said user terminal (118) has changed its affiliation from said another access point (104, 106 and 108) to said access point (104, 106 and 108); and controlling said other access points (104, 106 and 108) to update their respective address resolution protocol cache based on said address resolution protocol request. (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

The invention, as defined in independent Claim 32 is a computer-readable medium of instructions for controlling access points (104, 106 and 108) of a communications network (100) including a packet-switched core network to handle mobility of wireless user terminals

(118) for use with said communications network (100), said computer-readable medium of instructions comprising: a first set of instructions for controlling a said access point (104, 106 and 108) to provide a said user terminal (118) with communications access to said core network (100) via said access point (104, 106 and 108) when said user terminal (118) becomes affiliated with said access point (104, 106 and 108); a second set of instructions for controlling each of said access points (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) in their respective address resolution cache; a third set of instructions for controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to the other said access points (104, 106 and 108) within a same broadcast network that said user terminal (118) has changed its affiliation from another said access point (104, 106 and 108) to said access point (104, 106 and 108); a fourth set of instructions for updating respective said address resolution protocol caches of the other said access points (104, 106 and 108) based on said address resolution protocol request to indicate said change in affiliation of said user terminal (118); and a fifth set of instructions for controlling at least one of a media server (120), DNS server (122) and an IP gateway router (124) of said network (100) to update its respective address resolution protocol cache of based on said address resolution protocol request. (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

The invention, as defined in independent Claim 41 is a computer-readable medium of instructions for controlling an access point (104, 106 and 108) of a packet-switched network to provide mobile wireless user terminals (118) with communications access to said packet-switched network, said computer-readable medium of instructions comprising: a first set of instructions for controlling a said access point (104, 106 and 108) on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; a second set of instructions for controlling said access point (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and access points (104, 106 and 108) on said packet-switched network in an

address resolution protocol cache of said access point (104, 106 and 108); a third set of instructions for controlling said access point (104, 106, and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to other said access points (104, 106 and 108) within a same broadcast network and coupled to said packet-switched network that said user terminal (118) has changed its affiliation from another access point (104, 106 and 108) to said access point (104, 106 and 108); and a fourth set of instructions for controlling said other access points (104, 106 and 108) to update their respective address resolution cache based on said address resolution protocol request. (see FIGs. 1 and 2, and paragraphs [0035] to [0036], and FIGs. 3 and 4, and paragraphs [0037] to [0039] of applicant's original specification)

Accordingly, the invention as defined by Independent Claims 1, 11, 17, 26, 32, 41 include the limitation that the plurality of access points, all within the same broadcast network, update their address resolution protocol cache to reflect the affiliation of the wireless user terminal. Further, Independent Claims 1, 17, and 32 include the limitations of the system including at least one of a media server, DNS server and an IP gateway router, each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points and is updateable based on said address resolution protocol request. These claimed features are not disclosed in the references cited in the Office Action.

REMARKS

The Notification of Non-Compliant Appeal Brief dated April 25, 2007 alleges the "Summary of Claimed Subject Matter" of the original Appeal Brief is deficient. Specifically, the Notification of Non-Compliant Appeal Brief alleges that within the Summary of the Claimed Subject Matter of the Appeal Brief filed on March 5, 2007 "The independent claims 1, 11, 17, 26, 32, and 41 are not mapped to the specification by page and line number, paragraph number, or to the drawings, if any.

Accordingly, Applicants submit the present Supplemental Appeal Brief, which includes a corrected "Summary of Claimed Subject Matter" in accordance with MPEP § 1205.03. In particular, MPEP § 1205.03 states:

(B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

Thus, Applicants herein submit the present Supplemental Appeal Brief that includes a paper providing a "Summary of the Claimed Subject Matter" as required by 37 CFR 41.37(c)(1)(v). The "Summary of the Claimed Subject Matter" maps the independent claims to the specification by page and line number and to the drawings by reference characters, as required by the Notification of Non-Compliant Appeal Brief.

Therefore, Applicants submit the Appeal Brief is in proper condition for appeal. Prompt docketing and consideration of Applicants' Appeal Brief is respectfully requested.

CONCLUSION

The Commissioner is hereby authorized to deduct the fees for filing a brief in support of an appeal and any fees arising as a result of this Supplemental Appeal Brief or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,

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